

Message Text

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TO AMEMBASSY PARIS IMMEDIATE
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY CANBERRA
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY HELSINKI
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MADRID
AMEMBASSY MOSCOW
AMEMBASSY NICOSIA
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO
AMEMBASSY VALLETTA
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C O N F I D E N T I A L STATE 229731

NESCO

E.O. 11652: GDS

TAGS: PORG , UNESCO

SUBJECT: UNESCO DRAFT DECLARATION ON THE MASS MEDIA

1. THIS CABLE CONTAINS A SUGGESTED ALTERNATIVE TEXT FOR A UNESCO DECLARATION ON THE MASS MEDIA FOR CONSIDERATION BY THE IG. IN ADDITION, AN ARTICLE-BY-ARTICLE ANNOTATION IS ATTACHED. WE HAVE REVIEWED THE DECEMBER EXPERTS MEETING DRAFT AND THE FRG PROPOSAL FOR AN ALTERNATIVE TEXT. (FYI: ALTHOUGH WE HAVE NOT YET RECEIVED AN FRG DRAFT PREAMBLE, ON THE BASIS OF THE OPERATIVE PROVISIONS ALONE WE BELIEVE A SECOND APPROACH SHOULD BE CONSIDERED. AMONG OTHER PROBLEMS, THE FRG PAPER ATTEMPTS TO STAY AS CLOSE AS POSSIBLE TO THE DECEMBER TEXT, WHICH AS EXPLAINED BELOW WE BELIEVE IN THIS CASE IS TACTICALLY UNDESIRABLE. END FYI)

2. THE DELEGATION SHOULD PASS TO IG MEMBERS, AND OTHERS YOU MAY LATER DEEM APPROPRIATE, ATTACHED TEXT. YOU MAY UTILIZE THE APPROPRIATE ANNOTATIONS WITH OTHERS IF YOU CONSIDER IT HELPFUL IN ASSISTING THEM TO UNDERSTAND OUR APPROACH. COMMENT: WE DO NOT CONSIDER THE FRG TEXT AN ADEQUATE APPROACH OR EFFORT TO PERSUADE OTHERS TO SIGN ON, OR THE GENERAL CONFERENCE TO POSTPONE CONSIDERATION OF THE DECEMBER DRAFT. HOWEVER, DEL SHOULD BE AWARE THAT

ALBRECHT KRAUSE, THE DRAFTER OF THE FRG PROPOSAL, HAS SEVERAL TIMES SOUGHT US SUGGESTIONS ON AN ALTERNATIVE TEXT, AND WE WOULD NOT WISH TO DISCOURAGE HIS COOPERATIVE
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ATTITUDE. END COMMENT.

3. WE BELIEVE THAT OUR CHANCES OF SUCCESS AT THE EXBD AND THE GC WILL BE MUCH ENHANCED IF A SIGNIFICANT NUMBER OF STATES ARE WILLING TO ASSERT THAT THEY PREFER THIS OR SIMILAR ALTERNATIVE TO THE DECEMBER TEXT. THEREFORE, THE SOONER THAT APPROPRIATE OFFICIALS IN THE IG CAN NEGOTIATE AN ACCEPTABLE COMMON TEXT, THE BETTER WOULD APPEAR OUR CHANCES TO PERSUADE OTHERS TO GO ALONG.

4. REVISED DRAFT TEXT OF THE DECLARATION ON THE MASS MEDIA

BEGIN TEXT:

THE GENERAL CONFERENCE OF UNESCO, MEETING IN NAIROBI AT
IT NINETEENTH SESSION IN 1976,

RECALLING THAT IN ACCORDANCE WITH ITS CONSTITUTION THE
PURPOSE OF THE ORGANIZATION IS TO CONTRIBUTE TO PEACE AND
SECURITY BY PROMOTING COLLABORATION AMONG THE NATIONS
THROUGH EDUCATION, SCIENCE AND CULTURE IN ORDER TO FURTHER
UNIVERSAL RESPECT FOR JUSTICE, FOR THE RULE OF LAW, AND
FOR THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHICH ARE
AFFIRMED FOR THE PEOPLES OF THE WORLD, WITHOUT DISTINCTION
OF RACE, SEX, LANGUAGE OR RELIGION, BY THE CHARTER OF THE
UNITED NATIONS,

NOTING THAT IN ORDER TO REALIZE THIS PURPOSE THE ORGANI-
ZATION IS INSTRUCTED BY ITS CONSTITUTION TO RECOMMEND
SUCH INTERNATIONAL AGREEMENTS AS MAY BE NECESSARY TO
PROMOTE THE FREE FLOW OF IDEAS BY WORD AND IMAGE,

NOTING FURTHER THE RAPID DEVELOPMENT OF THE MASS MEDIA,
WHICH CONSTITUTES ONE OF THE KEY ELEMENTS IN MODERN
SCIENTIFIC AND TECHNOLOGICAL PROGRESS AND WHICH PLAYS AN
INCREASINGLY SIGNIFICANT ROLE IN SHAPING THE INTELLECTUAL
LIFE OF SOCIETY AND PUBLIC OPINION,

CONVINCED THAT ALL PEOPLES SHOULD HAVE OPPORTUNITIES TO
SHARE IN THE POTENTIAL BENEFITS OF MODERN MASS COMMUNI-
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CATIONS,

REAFFIRMING THE BELIEF IN FULL AND EQUAL OPPORTUNITIES
FOR EDUCATION FOR ALL, IN THE UNRESTRICTED PURSUIT OF
OBJECTIVE TRUTH, AND IN THE FREE EXCHANGE OF IDEAS AND
KNOWLEDGE,

REAFFIRMING ALSO THAT THE WIDE DIFFUSION OF CULTURE, AND
THE EDUCATION OF HUMANITY FOR JUSTICE AND LIBERTY AND
PEACE ARE INDISPENSABLE TO THE DIGNITY OF MAN AND CON-
STITUTE A SACRED DUTY WHICH ALL NATIONS MUST FULFILL IN
A SPIRIT OF MUTUAL ASSISTANCE AND CONCERN,

DETERMINED TO DEVELOP AND TO INCREASE THE MEANS OF COMMU-
NICATION AMONG PEOPLES AND THROUGH THESE MEANS TO
ENCOURAGE MUTUAL UNDERSTANDING AND A TRUER AND MORE
PERFECT KNOWLEDGE OF LIVES IN DIFFERENT CULTURES,

DESIRING TO PRESERVE THE INDEPENDENCE, INTEGRITY AND
FRUITFUL DIVERSITY OF THE CULTURES OF NATIONS,

CONSIDERING THAT FREEDOM OF EXPRESSION, INFORMATION AND

OPINION ARE FUNDAMENTAL HUMAN RIGHTS, AND THAT THE FREE INTERCHANGE OF INFORMATION AND OPINIONS, BOTH NATIONALLY AND INTERNATIONALLY, IS ESSENTIAL TO THE CAUSE OF PEACE AND TO ACHIEVEMENT OF POLITICAL, SOCIAL, CULTURAL AND ECONOMIC PROGRESS,

PROCLAIMS ON THIS . . . DAY OF 1976 THIS DECLARATION (OF FUNDAMENTAL PRINCIPLES ON THE ROLE OF THE MASS MEDIA IN STRENGTHENING PEACE AND INTERNATIONAL UNDERSTANDING AND IN COMBATING WAR PROPAGANDA, RACISM AND APARTHEID) (AND IN ENCOURAGING RESPECT FOR HUMAN RIGHTS).

ARTICLE I

STATES SHOULD ENCOURAGE THE FREE AND OPEN DISSEMINATION OF INFORMATION THROUGH THE MASS MEDIA IN ORDER TO ENHANCE INTERNATIONAL UNDERSTANDING AND TO STRENGTHEN INTERNATIONAL PEACE.

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ARTICLE II

STATES SHOULD REFRAIN FROM ANY USE OF THE MASS MEDIA FOR PURPOSES OF SPREADING WAR PROPAGANDA OR ENCOURAGING RACISM OR APARTHEID.

ARTICLE III

STATES POSSESSING HIGHLY DEVELOPED MASS MEDIA FACILITIES AND CAPABILITIES SHOULD ENDEAVOR TO MAKE AVAILABLE TO OTHER STATES ASSISTANCE IN DEVELOPING THEIR MASS MEDIA, SUCH AS THROUGH THE SHARING OF TECHNOLOGY AND THE TRAINING OF EXPERTS IN THE ESTABLISHMENT AND OPERATION OF MASS MEDIA SYSTEMS, INCLUDING THE PRODUCTION OF PUBLICATIONS AND PROGRAMS, APPROPRIATE TO LOCAL CONDITIONS AND NEEDS.

ARTICLE IV

STATES SHOULD ENCOURAGE THE GREATEST POSSIBLE EXCHANGE OF INFORMATION, IDEAS, PUBLICATIONS AND PROGRAMS WITH OTHER STATES IN ORDER TO FACILITATE THE MAINTENANCE OF A MUTUAL FLOW OF COMMUNICATIONS, GREATER UNDERSTANDING AMONG PEOPLES, AND RESPECT FOR THE VALUE OF DIVERSITY AMONG CULTURES.

ARTICLE V

STATES SHOULD ENSURE THROUGH INTERNATIONAL AGREEMENTS AND DOMESTIC LEGISLATION THE EXISTENCE OF CONDITIONS FOR OPERATION OF THE MASS MEDIA IN CONFORMITY WITH THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

ARTICLE VI

STATES SHOULD RESPECT THE RIGHT OF INDIVIDUALS, AS REFLECTED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, TO FREEDOM OF OPINION AND EXPRESSION (WHICH INCLUDES FREEDOM TO HOLD OPINIONS WITHOUT INTERFERENCE AND TO SEEK RECEIVE AND IMPART INFORMATION AND IDEAS THROUGH ANY MEDIA AND REGARDLESS OF FRONTIERS).

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ARTICLE VII

MASS MEDIA ORGANIZATIONS WHICH ENGAGE IN INTERNATIONAL PUBLICATION OR BROADCASTING, SHOULD STRIVE TO ENSURE THE FULLNESS AND ACCURACY OF FACTS REPORTED AS NEWS. SUCH ORGANIZATIONS ARE ALSO ENCOURAGED TO PROVIDE FOR THE PRESENTATION OF VARIOUS POINTS OF VIEW WHEN DEALING WITH CONTROVERSIAL ISSUES OF INTERNATIONAL CONCERN.

ARTICLE VIII

MASS MEDIA ORGANIZATIONS SHOULD AVOID ANY DISCRIMINATION AGAINST INDIVIDUALS OR GROUPS ON THE BASIS OF THEIR RACE, RELIGION OR ETHNIC ORIGIN, AND SHOULD ENCOURAGE RESPECT FOR SUCH DIFFERENCES. END TEXT.

5. ANNOTATION OF U.S. REVISED DRAFT TEXT ON THE MASS MEDIA

I. GENERAL BACKGROUND

THE ESSENTIAL PURPOSES OF THIS REVISED TEXT ARE TO ILLUSTRATE PRINCIPLES ACCEPTABLE TO THE U.S. AND A SIGNIFICANT NUMBER OF OTHER COUNTRIES, IN CONSPICUOUS CONTRAST TO THE DECEMBER EXPERTS TEXT, TO HIGHLIGHT THE DIFFERENCES AMONG MANY UNESCO MEMBERS, AND HENCE TO GIVE THE MAJORITY OF STATES AN EXCUSE TO AVOID ENDORSING THE DECEMBER TEXT AT THE 19TH GENERAL CONFERENCE.

THIS DRAFT IS DESIGNED TO REFLECT PRINCIPLES BROADLY ACCEPTABLE AMONG WESTERN EUROPEAN COUNTRIES AND TO APPEAL AT LEAST IN PART TO A FAIR NUMBER OF DEVELOPING COUNTRIES. IT IS NOT AN ATTEMPT TO ADDRESS EVERY ISSUE OF INTEREST TO ANY SINGLE GROUP, OR TO REWRITE THE DECEMBER DRAFT IN AN ACCEPTABLE MANNER. SUCH EFFORTS WOULD HAVE COMPLICATED THIS TEXT TO SUCH AN EXTENT THAT IT WOULD HAVE BEEN VIRTUALLY IMPOSSIBLE TO OBTAIN BROAD AGREEMENT TO IT BY OCTOBER, AND IT WOULD HAVE PROBABLY BEEN TOO CUMBERSOME TO ACHIEVE THE ABOVE PURPOSES.

ABOVE ALL, IT IS IMPORTANT TO REMEMBER THAT THIS DRAFT
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WILL BE CONSIDERED, IF AT ALL, AS OUR OPENING NEGOTIATING POSITION, AND HENCE SHOULD NOT CONTAIN ANYTHING WHICH IS UNSATISFACTORY TO US. EFFORTS TO DRAW IT AS CLOSE AS POSSIBLE TO THE DECEMBER TEXT WOULD DIMINISH ITS USEFULNESS IN DEMONSTRATING HOW LITTLE CONSENSUS EXISTS IN UNESCO BEHIND THE DECEMBER TEXT. ON THE OTHER HAND, ITS TENOR AND SUBSTANCE SHOULD APPEAR REASONABLE AND REALISTIC, IF NOT FULLY ACCEPTABLE, TO OTHERS IF WE ARE TO ACCOMPLISH OUR POSTPONEMENT GOAL. FOR THIS REASON, LANGUAGE WHICH HAS ALREADY BEEN BROADLY ENDORSED BY MANY STATES HAS BEEN RECOVERED FOR USE HERE IN AS MANY CASES AS POSSIBLE.

II. TEXT ANALYSIS

A. PREAMBLE

1. PREAMBULAR PARAGRAPH ONE IS A VERBATIM REPEAT OF ARTICLE I, PARAGRAPH 1 OF THE UNESCO CHARTER, WHICH ENTERED INTO FORCE ON NOVEMBER 4, 1946, AND WHICH HAS BEEN

SUBSCRIBED TO BY 137 SOVEREIGN STATES NOW MEMBERS OF THE ORGANIZATION.

2. PREAMBULAR PARAGRAPH TWO IS BASED ON AND REPEATS VERBATIM LANGUAGE FROM THE SECOND HALF OF ARTICLE I, PARAGRAPH 2(A) OF THE UNESCO CONSTITUTION.

3. PREAMBULAR PARAGRAPH THREE REPEATS THE TEXT OF PREAMBULAR PARAGRAPH SIXTEEN OF THE DECEMBER EXPERTS DRAFT, WITH SLIGHT EDITORIAL MODIFICATIONS FOR STYLISTIC IMPROVEMENT.

4. PREAMBULAR PARAGRAPH FOUR IS NEW AND IS DESIGNED TO ADDRESS THE INTEREST OF THE LDC'S IN IMPROVING THEIR MASS MEDIA CAPABILITIES SIMPLY BUT IN A STRAIGHTFORWARD AND UNCONTROVERSIAL MANNER.

5. PREAMBULAR PARAGRAPH FIVE REPEATS VERBATIM THE TEXT OF THE FIRST HALF OF PREAMBULAR PARAGRAPH SIX OF THE UNESCO CONSTITUTION.

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6. PREAMBULAR PARAGRAPH SIX REPEATS VERBATIM THE LANGUAGE OF PREAMBULAR PARAGRAPH FOUR OF THE UNESCO CONSTITUTION.

7. PREAMBULAR PARAGRAPH SEVEN IS BASED ON, AND REPEATS WITH MINOR EDITORIAL CHANGES, THE TEXT OF THE SECOND HALF OF THE SIXTH PREAMBULAR PARAGRAPH OF THE UNESCO CONSTITUTION.

8. PREAMBULAR PARAGRAPH EIGHT IS LANGUAGE TAKEN DIRECTLY FROM THE BEGINNING OF ARTICLE I, PARAGRAPH 3 OF THE UNESCO CONSTITUTION.

9. PREAMBULAR PARAGRAPH NINE IS BASED DIRECTLY, WITH MINOR EDITORIAL MODIFICATIONS, ON THE TEXT OF PREAMBULAR PARAGRAPH TWELVE OF THE DECEMBER EXPERTS DRAFT.

10. PREAMBULAR PARAGRAPH TEN IS PROCEDURAL IN FUNCTION, BUT THIS DRAFT SUGGESTS TWO MODIFICATIONS OF THE TITLE OF THE DRAFT DECLARATION. FIRST, THE PHRASE . . . "GOVERNING THE USE OF . . ." HAS BEEN CHANGED TO READ ". . . ON THE ROLE OF . . ."; SECOND, THE ADDITION OF THE PHRASE ". . . AND IN ENCOURAGING RESPECT FOR HUMAN RIGHTS" SHOULD BE CONSIDERED. REFERENCE TO "RACISM" IS RETAINED HERE BECAUSE THE DRAFT CONTAINS NO REFERENCE TO THE ZIONISM-RACISM EQUATION AND HENCE IN THIS CONTEXT THE CUSTOMARY DEFINITION OF THE TERM IS ASSUMED.

B. OPERATIVE ARTICLES

ALL OF THE OPERATIVE PROVISIONS ARE DRAFTED WITH THE INTENTION OF AVOIDING ANY INFERENCE THAT STATES SHOULD CONTROL THE SUBSTANTIVE OR PROGRAM CONTENT OF MASS MEDIA PUBLICATIONS OR BROADCASTS. THEY ARE PHRASED ONLY IN RECOMMENDATORY LANGUAGE, AND ALL THE GOALS ADVOCATED ARE CONSISTENT WITH PRACTICE IN THE U.S. AND NUMEROUS OTHER COUNTRIES.

1. ARTICLE I IS BASED ON THE ESSENCE OF ARTICLE I OF THE DECEMBER EXPERTS TEXT, LESS THE TRIMMINGS, AND DIRECTLY CONFIDENTIAL

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RELATES FREE AND OPEN DISSEMINATION OF INFORMATION WITH INTERNATIONAL UNDERSTANDING AND PEACE.

2. ARTICLE II IS THE ONLY PROVISION WHICH DIRECTLY ADDRESSES THE ISSUES IN THE ORIGINAL TITLE OF THIS AGENDA ITEM, NAMELY WAR PROPAGANDA, ETC. RATHER THAN PURPORTING TO PUT SOME OBLIGATION DIRECTLY ON MASS MEDIA ORGANIZATIONS, THIS TEXT DEALS ONLY WITH THE AREA OF STATE USE OF THE MEDIA, WHICH AT LEAST IN THE U.S. AND MOST WESTERN EUROPEAN SOCIETIES IS A MORE LIMITED SCOPE OF ACTIVITIES. THERE IS NO INTENTION HERE OF ADVOCATING ANY MEDIA ENCOURAGEMENT OF APARTHEID, ETC.; THE INTENT IS, RATHER, TO AVOID REFERENCES TO STATE RESPONSIBILITY FOR CONTROLLING THE MEDIA'S CONTENT.

3. ARTICLE III CONTAINS AN ADMONITION THAT STATES WITH SHOULD HELP THOSE WITHOUT. THESE ENDEAVORS ARE FULLY CONSISTENT WITH, AND PERHAPS SOMEWHAT LESS THAN THOSE OFFERED BY SECRETARY KISSINGER EARLIER THIS YEAR AT THE UNCTAD MEETING IN NAIROBI. THEY ARE INTENDED TO GIVE SUBSTANCE TO OUR SUGGESTIONS THAT THE ANSWER TO LDC CONCERNS ABOUT UNBALANCED COMMUNICATIONS FLOW IS TO DEVELOP THEIR OWN CAPABILITIES, RATHER THAN TO REDUCE THOSE OF THE DEVELOPED COUNTRIES.

4. ARTICLE IV DIRECTLY RAISES THE LDC CONCERN ABOUT UNBALANCED COMMUNICATIONS FLOW, AND CALLS ON STATES TO ENCOURAGE EXCHANGES WITH OTHERS EXPRESSLY IN ORDER TO FACILITATE A TWO-WAY FLOW AS WELL AS RESPECT FOR THE DIVERSITY AMONG CULTURES.

5. ARTICLE V CALLS ON STATES TO PROVIDE AN ENVIRONMENT FOR THE MASS MEDIA WHICH IS BASED ON THE PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH WERE ENDORSED BY THE U.N. IN 1946.

6. ARTICLE VI CALLS ON STATES SPECIFICALLY TO RESPECT ARTICLE 19 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH CONTAINS THE MOST FAR-REACHING, AND IN OUR VIEW MOST SATISFACTORY, ARTICULATION OF INDIVIDUAL RIGHTS IN THIS AREA BROADLY ENDORSED BY THE POST-WAR INTERNATIONAL
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COMMUNITY. WHETHER THE FULL TEXT OF ARTICLE 19 (BRACKETED) IS PROPOSED WOULD DEPEND ON HOW HARD THE GROUP WOULD LIKE TO PUSH THE POINT.

7. ARTICLE VII PICKS UP, WITH MODIFICATIONS, A POINT MADE BY PREAMBULAR PARAGRAPH 14 OF THE DECEMBER EXPERTS TEXT AND CALLS ON MASS MEDIA ORGANIZATIONS TO "STRIVE TO ENSURE" FULLNESS AND ACCURACY OF FACTS REPORTED AS NEWS. IN ADDITION IT ENCOURAGES THE MEDIA TO PRESENT VARIOUS SIDES OF OTHER CONTROVERSIAL ISSUES OF INTERNATIONAL CONCERN. ALTHOUGH WE WOULD PROBABLY NOT WISH TO ADVOCATE ANY KIND OF A MANDATORY INTERNATIONAL EQUAL TIME PRINCIPLE, THIS IS A SENSITIVE POINT FOR MANY COUNTRIES WITHOUT STRONG MEDIA FACILITIES, AND IF WE CAN BE SENSITIVE TO THEIR CONCERNS WITHOUT UNACCEPTABLY BINDING OURSELVES WE SHOULD DO SO.

8. ARTICLE VIII PICKS UP THE ANTI-DISCRIMINATION PRINCIPLE REPEATEDLY REFLECTED IN THE DECEMBER EXPERTS DRAFT AND NATIONAL COMMENTS, URGES MASS MEDIA ORGANIZATIONS TO AVOID SUCH ACTS AND TO ENCOURAGE RESPECT FOR RACIAL, ETHNIC, AND RELIGIOUS DIFFERENCES AMONG INDIVIDUALS AND PEOPLES. HABIB

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ATHENS
BERN
BONN
BRUSSELS
CANBERRA

COPENHAGEN
DUBLIN
HELSINKI
LISBON
LONDON
LUXEMBOURG
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